

### **REMARKS**

The applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 14, 2004.

All of the points raised by the Examiner are addressed herein. Reconsideration of the application, as amended, is requested. Claims 1-16 and 18-24 remain in the application and claims 25-28 are added after this amendment is entered.

### **THE OFFICE ACTION**

Paragraph 52 of the specification has an objection due to an informality associated with improper wording.

Claim 23 has an objection due to an informality associated with its dependency.

Claims 1, 7, and 24 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0067857 to Hartmann et al. (Hartmann).

Claims 9-12 stand rejected under 35 U.S.C. § 103(a) for obviousness over Hartmann in view of official notice taken by the Examiner regarding various details of a neural network.

Claims 1-2, 4-7, and 9-12 stand rejected under 35 U.S.C. § 103(a) for obviousness over "Distinguishing Photographs and Graphics on the World Wide Web" by Athitsos et al. (Athitsos) in view of "Hybrid Neural Network System for Texture Analysis" by Arrowsmith et al. (Arrowsmith).

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of copending Patent Application Serial No. 09/965,922 (Patent Application Publication No. 2002/0031268) to Prabhakar et al. (Prabhakar).

Claims 1, 2, and 4 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 5 of copending Patent Application Serial No. 10/040,693 (Patent Application Publication No. 2003/0128396) to Fan.

Claims 19-22 are allowed.

Claims 3, 8, 13, 18, and 23 are identified as containing allowable subject matter and would be allowable if rewritten in independent form.

## **THE NON-ART OBJECTIONS**

### **Paragraph 52 Has Been Corrected.**

As suggested by the Examiner, paragraph 52 has been amended by adding the word "on" between "based" and "a" in the first line.

### **Claim 23 Has Been Corrected.**

As recognized by the Examiner, claim 23 should have depended from claim 19, rather than claim 18. Accordingly, claim 23 has been amended to depend from claim 19. As claim 19 is an allowed independent claim, the Applicants respectfully submit that amended claim 23 is currently in condition for allowance.

## **THE ART REJECTIONS**

### **Claims 1-16 Patentably Distinguish Over Hartmann, the Combination of Hartmann and Official Notice Taken by the Examiner Regarding Various Details of a Neural Network, and the Combination of Athitsos and Arrowsmith.**

The Examiner has indicated that claim 17 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As amended, claim 1 now includes the limitations of claim 17. Thus, amended claim 1 now reflects original claim 17 in independent form. Accordingly, the Applicants respectfully submit that independent claim 1 and claims dependent thereon (claims 2-16) are currently in condition for allowance with respect to Hartmann, the combination of Hartmann and official notice taken by the Examiner regarding various details of a neural network, and the combination of Athitsos and Arrowsmith.

### **Claim 18 Has Been Placed in Independent Form.**

The Examiner has indicated that claim 18 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 18 has been placed in independent form. Accordingly, the Applicants respectfully submit that claim 18 is currently in condition for allowance.

**Claim 24 Patentably Distinguishes Over Hartmann.**

The Examiner has rejected claim 24 as anticipated by Hartmann. In support, the Examiner refers to paragraph 120 of Hartmann which states that an "image is classified by extracting appropriate feature(s) from the image, and using the feature(s) to determine with which likelihood an image belongs to one of the four classes." As amended, claim 24 recites "processing two or more extracted features using a soft classifier to determine a first output and a second output indicative of a combined confidence level for classification of an area of the input image in either picture, graphics, or fuzzy classes, wherein the first output indicates a first confidence level for classification of the area in the picture class and the second output indicates a second confidence level for classification of the area in the graphics class and classifying the area of the input image in either picture, graphics, or fuzzy classes based at least in part on the combined confidence level." The Applicants respectfully submit that Hartmann does not disclose or fairly suggest the use of two outputs indicative of a combined confidence level or classifying an area of an input image based on such a combined confidence level as recited in amended claim 24. Accordingly, the Applicants submit that claim 24 is currently in condition for allowance.

**Claim 1 Patentably Distinguishes Over Claim 1 of Prabhakar.**

The Examiner has rejected claim 1 under the judicially created doctrine of obviousness-type double patenting over claim 1 of Prabhakar. As amended, claim 1 now includes an element for "blending a plurality of image processing functions." Neither claim 1 nor any other claims of Prabhakar are directed to the combination recited in amended claim 1 of the above-identified patent application. Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn with respect to Prabhakar.

**Claims 1, 2, and 4 Patentably Distinguish Over Claim 5 of Fan.**

The Examiner has rejected claims 1, 2, and 4 under the judicially created doctrine of obviousness-type double patenting over claim 5 of Fan. As amended, claim 1 now includes an element for "blending a plurality of image processing functions." Neither claim 5 nor any other claims of Fan are directed to the combination recited in amended claim 1 of the above-identified patent application.

Accordingly, the Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn with respect to Fan.

**CONCLUSION**

For the reasons detailed above, it is submitted that all claims remaining in the application (Claims 1-16 and 18-28) are now in condition for allowance. The foregoing amendments and remarks do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark S. Svat or Alan C. Brandt at Telephone Number (216) 861-5582.

Respectfully submitted,

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